

**ORDINANCE NO. 2024-O-XX**

**AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS ESTABLISHING A ZONING CLASSIFICATION IN THE CODE OF ORDINANCES PROVIDING FOR PROGRAMS FOR HISTORIC PROPERTIES AND DISTRICTS TO BE KNOWN AS SECTION 154.06.8 – HISTORIC OVERLAY DISTRICT (HD) AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, CHAPTER 221 of the TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, CHAPTER 211 of the TEXAS LOCAL GOVERNMENT CODE, Section 211.005, authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

WHEREAS, The City desires to provide an Ordinance to oversee programs for historic properties and districts, and provide criteria and procedures for administering the program.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:**

That the Zoning Ordinance of the City of Stephenville is hereby Amended pursuant to CH. 211 TEXAS LOCAL GOVERNMENT CODE AS FOLLOWS:

**SECTION 1. PURPOSE**

The City Council of the City of Stephenville hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of a district or resource of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that said district or resource represents the unique confluence of time and place that shaped the identity of generations of citizens, collectively and individually, and produced significant historic, architectural, and cultural resources that constitute their heritage. This act is intended to:

- (a) protect and enhance the distinctive elements of historic, architectural, and cultural heritage;
- (b) foster civic pride in the accomplishments of the past;
- (c) protect and enhance attractiveness to visitors and the support and stimulus to the economy thereby provided;
- (d) insure the harmonious, orderly, and efficient growth and development of the city;

- (e) promote economic prosperity and welfare of the community by encouraging the most appropriate use of such property;

## **SECTION 2. DEFINITIONS**

*In-kind repair* - the practice of using the same original material type, design, dimension, texture, detailing, and exterior appearance when repairing or replacing a portion of an historic building as commonly used in preservation and restoration work.

*In-kind Repair* - to preserve the current condition or restore to the original condition.

*Replacement in-kind* - replacing equipment or components as the original item.

*Commission* – Historic Preservation Commission

*Historic resource* - includes a site, building, monument, structure or landmark.

## **SECTION 3. HISTORIC PRESERVATION COMMISSION**

There is hereby created a Commission to be known as the Historic District Commission.

The Commission shall consist of five members, citizens of Stephenville, to be appointed by the City Council.

Commission members shall serve for a term of two years, with the exception that the initial term of three members shall be two years, and two members shall be three years.

The Chairman of the Commission shall be elected by and from the members of the Commission.

The Commission shall be empowered to:

- Conduct studies and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic district
- Recommend the designation of historic resources and districts to the City Council.
- Maintain written minutes which record all actions taken by the Commission and the reasons for taking such actions.
- Recommend conferral of recognition upon the owners of historic resources within the district by means of certificates, plaques, or markers to the City Council.
- Approve or disapprove of applications for certificates of appropriateness.
- Through the approval of the Certificate of Appropriateness, recommend that the Building Official grant permits subject to compliance with all applicable building codes and regulations as adopted by the City and the construction plan as specified in the Certificate of

#### Appropriateness

- Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
- Recommend properties that are granted a certificate of appropriateness for city provided incentives to the City Council.

The Commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the Chairman or on the written request of any two Commission members.

A quorum for the transaction of business shall consist of not less than three (3) of the full authorized membership.

Any action by the Commission shall require at least three positive votes.

#### **SECTION 4. APPOINTMENT OF HISTORIC PRESERVATION OFFICER**

The City Manager or a designee shall appoint a qualified staff person to serve as the Official Liaison to the Historic Preservation Commission. The Official Liaison shall administer this ordinance and advise the Commission on matters submitted to it.

#### **SECTION 5. DESIGNATIONS**

##### A. Designations

The Commission may recommend a site, building, structure, landscape or object as a historic resource and a historic area as a historic district together with the public rights of way in and surrounding the resource or area, by establishing a Historic District Overlay that does not conflict with one or more of the City's zoning ordinances; said designation subject to state law.

##### B. Criteria for Historic Resources:

1. Possesses significance in history, architecture, or culture of the city, county, state or nation.
2. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
3. Is associated with the lives of persons of significance in Stephenville's past.
4. Embodies distinctive characteristics of a type, period, or method of construction.
5. Represents the work of a master designer, builder, or craftsman.
6. Represents an established and familiar visual feature of the City of Stephenville.
7. Is the location of a significant event.

##### C. Designation of Historic Resources:

- (a) These provisions pertaining to the designation of historic resources constitutes a part of the

comprehensive zoning plan of the City of Stephenville.

- (b) Property owners of proposed historic resources shall be notified prior to the Commission hearing on the recommended designation. At the Commission's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic resource.
- (c) Upon recommendation of the Commission, the proposed historic resource shall be submitted to the City Council. The City Council shall conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
- (d) Upon designation as a historic resource, the City Council shall cause the designation to be recorded in the Official Public Records of Real Property of Erath County, the tax records of the City of Stephenville, and the Erath County Appraisal District as well as the official zoning maps of the City of Stephenville.

D. Designation of Historic District:

A Historic Overlay District may be established to preserve a historic area of exemplary architectural, cultural, or historic value.

- (a) These provisions pertaining to the designation of historic districts constitutes a part of the comprehensive zoning plan of the City of Stephenville.
- (b) Property owners within a proposed historic district shall be notified prior to the Commission hearing on the recommended designation. At the Commissioner's public hearing, owners, interested parties, and technical experts may present testimony or documentary evidence which will become part of a record regarding the historic, architectural, or cultural importance of the proposed historic district.
- (c) The commission may recommend the designation of a district if it:
  - a. Contains properties and an environmental setting which meet one or more of the criteria for designation of a resource; and,
  - b. Constitutes a distinct section of the city.
- (d) Upon recommendation of the Commission, the proposed historic district shall be submitted to the City Council. The City Council shall conduct its hearing on the proposed designation within forty-five (45) days of receipt of such recommendation from the Commission.
- (e) Upon designation of a historic district the City Council shall cause the designated boundaries to be recorded in the Official Public Records of real property of Erath County, the tax records of the City of Stephenville and the Erath County Appraisal District as well as the official zoning maps of the City of Stephenville.

**SECTION 6. CERTIFICATE OF APPROPRIATENESS FOR EXTERIOR, STREET FACING FAÇADE MODIFICATIONS**

Any person making modifications to historic resources or the exterior of street facing facades of any building within the Historic Preservation District must obtain a Certificate of Appropriateness before

work may be authorized.

All Certificates of Appropriateness authorized by the Commission shall be provided to the Building Official by the Liaison. The Building Official shall not issue any permit within the historic district relating to renovation, demolition or construction within the district without a Certificate of Appropriateness. All renovations, regardless if deemed in-kind or beyond, shall comply with the provisions set forth within the land use regulations of the Downtown District.

**SECTION 7. CERTIFICATION OF APPROPRIATENESS APPLICATION PROCEDURE**

- (a) Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file and application for such a certificate with the Commission. The application shall contain:
  - (i) Name, address, telephone number and email address of the applicant.
  - (ii) If the applicant is not the owner of the building, written and signed consent of the building owner authorizing the applicant to apply for the Certificate of Appropriateness
  - (iii) A detailed description of proposed work.
  - (iv) Location and photograph of the property and adjacent properties.
  - (v) Elevation drawings of the proposed changes, if available.
  - (vi) Samples of materials to be used and renderings of the building as it will appear upon completion of the modifications.
  - (vii) If the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign s location on the property.
  - (viii) Any other information which the Commission may deem necessary in order visualize the proposed work.
  
- (b) The Commission shall review the application at the next regularly scheduled meeting pursuant to notice requirements. In the event the Commission does not act within thirty (30) days of the receipt of the application the case will be referred to City Council.
  
- (c) All decisions of the Commission shall be in writing. The Commission’s decision shall state its findings pertaining to the approval, denial, or modification of the application and submitted work plan. A copy shall be provided to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments, e.g., building inspection.

An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within (30) days after receipt of notification of such action. The City Council shall give notice, follow publication procedures as required, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the City.

## **SECTION 8. CRITERIA FOR APPROVAL OF A CERTIFICATE OF APPROPRIATENESS**

**The Historic Preservation Commission shall render decisions on the approval or denial of a Certificate of Appropriateness subject to the requirements of this ordinance and the Historic Preservation Guidelines (*Exhibit A*) as adopted by the City Council.**

## **SECTION 9. DEMOLITION**

A permit for the demolition of a historic resource or property within a historic district, including secondary buildings and landscape features, shall not be granted by the (Building Official or other City Official) without the review of a completed application for a Certificate of Appropriateness by the Commission, as provided for in Section 6, 7 & 8 of the ordinance.

## **SECTION 10: RIGHT TO APPEAL**

An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action.

## **SECTION 11. ENFORCEMENT**

In the event work is not being performed in accordance with the applicant's submittal that led to the approved Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Liaison, the Building Official may, at his discretion, issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project and the stop work order shall remain in effect until the Liaison formally requests the Building Official to release the stop work order and the Building Official decides to release same.

## **SECTION 12. ORDINARY MAINTENANCE**

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a resource or property within a historic district which does not involve a change in design, material, or outward appearance.

## **SECTION 13. DEMOLITION BY NEGLECT**

No owner or person with an interest in real property designated as a resource or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Determinations of such neglect shall be made upon a specially called meeting of the Commission.

Examples of such deterioration include:

- (a) Deterioration of exterior walls or other vertical supports.
- (b) Deterioration of roof or other horizontal members.
- (c) Deterioration of exterior chimneys.
- (d) Deterioration or crumbling of exterior stucco or mortar.
- (e) Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.
- (f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety.

**SECTION 14. PENALTIES**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with the provisions of this ordinance commits an offense Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 15.**

That this Ordinance shall be in effect immediately from and after its passage and publication as provided by law.

**PASSED AND APPROVED** this 5<sup>ST</sup> day of November 2024.

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Doug Svien, Mayor

ATTEST:

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Sarah Lockenour, City Secretary

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Reviewed by Jason King,  
City Manager

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Randy Thomas, City Attorney  
Approved as to form and legality